



PATENT
1173-145P

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Teizo Yoshimura et al

Serial No.: 07/330,446

Group: 1814

Filed : March 30, 1989

Examiner: Dian Cook

For : HUMAN DERIVED MONOCYTE ATTRACTING PURIFIED PROTEIN PRODUCT USEFUL IN A METHOD OF TREATING INFECTION AND NEOPLASMS IN A HUMAN BODY, AND THE CLONING OF FULL LENGTH cDNA THEREOF

DECLARATION UNDER 37 C.F.R. 1.132

considered
Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

I, Teizo Yoshimura, residing at 1467 West Key Parkway, Frederick, Maryland, U.S.A. declare as follows:

I. That I am a co-inventor of the subject matter claimed in the above-identified application and that my co-inventors are Elizabeth A. Robinson, Ettore Appella, and Edward J. Leonard.

II. That on May 1, 1989 and on May 19, 1989, Declarations were filed with the U.S. Patent and Trademark Office by myself and co-inventors named in paragraph I, indicating that we (myself

and my co-inventors) are the original, first and joint inventors of the subject matter claimed in the above-identified application.

III. That I am a co-author with Elizabeth A. Robinson, Shuji Tanaka, Ettore Appella and Edward J. Leonard of the following publication attached hereto as Appendix I:

"Purification and Amino-Acid Analysis of Two Human Monocyte Chemoattractants produced by Phytohemagglutinin-Stimulated Human Blood Mononuclear Leukocytes", The Journal of Immunology, Volume 142, 1956-1962, No. 6 (1989).

IV. That the publication of paragraph III discloses certain aspects of the present invention as claimed by the present co-inventors set forth in paragraph I, and thus that this disclosure is not a disclosure by another within the meaning of 35 U.S.C. 102(a).

V. That even though Shuji Tanaka is named as a co-author in the accompanying publication referred to in paragraph III, he is not a co-inventor of the subject matter claimed in the above-identified application.

VI. That my Declaration set forth in paragraph V is based upon the following facts. Shuji Tanaka was a visiting fellow from Japan, working in the laboratory of Dr. Ettore Appella, one of my co-inventors, at the National Cancer Institute in Frederick, Maryland. That working under Dr. Appella's direction and in connection with Elizabeth A. Robinson, also a co-inventor, Shuji Tanaka aided in the sequencing and compositional analysis of monocyte chemo-attractants encompassed by the presently claimed inventions. That even though Shuji Tanaka aided in such sequencing and compositional analysis, he is not a co-inventor of the subject matter presently claimed, since he did not contribute to the conception thereof, but instead simply worked under the direction of Ettore Appella and Elizabeth A. Robinson in carrying out his assigned task. That in consideration of the work performed by Sjuhi Tanaka, under Drs. Appella and Robinson's direction, I decided it would be appropriate to name him as a co-author of the publication referred to in paragraph III, even though he is not a co-inventor of subject matter claimed in the present application.

VII. I declare that all statements made herein, and all statements made are to my own knowledge are true and that

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all statements made on information and beliefs are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements will jeopardize the validity of the application or any patent issued thereon.

Dated this 14th day of May, 1992.

Teizo Yoshimura
Teizo Yoshimura

Enclosure: The Journal of Immunology,
Volume 142, pp. 1956-1962, No. 6, (1989)